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APR 23 2007 10/677,024

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REMARKS

This is a full and timely response to the non-final Official Action mailed March 23, 2007, which improperly imposed a Restriction Requirement in the present application. Accordingly, as required, Applicant makes the following election and requests that examination of the elected claims on their merits be promptly conducted in light of the following remarks.

Claim Status:

Claims 1-47 were originally presented in the application. All claims were searched and examined by the present examiner, resulting in an Office Action dated October 10, 2006. Applicant responded with an amendment that pointed out the complete lack of merit in that rejection of claims 1-47.

In response, the Office has apparently withdrawn the Action of October 10, 2006 and now issues a Restriction Requirement, despite the fact that the claims have already been searched and examined. This is clearly improper.

Restriction Response:

In the outstanding Office Action, the Office alleges that the present application contains claims drawn to four independent and patentably distinct inventions. The claims are grouped as follows:

Claim Group 1: Claims 1-31;
Claim Group 2: Claims 32-45;
Claim Group 3: Claim 46; and

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Claim Group 4: Claim 47.

In response, Applicant elects Claim Group 1, claims 1-31, for immediate examination.

All other original claims are labeled as "withdrawn" herein.

Applicant does not disclaim the subject matter of any withdrawn claim and reserves the right to file any number of continuation or divisional applications to the withdrawn claims or to any other subject matter described in the present application.

Additionally, Applicant vehemently traverses this improper Restriction Requirement. According to the MPEP § 803, if the search and examination of claims in an application can be made without "serious burden," the examiner must examine those claims on the merits, even though they include claims to independent or distinct inventions.

In the present case, the unelected claims, claims 32-47, have already been searched and examined by the Examiner, resulting in the Office Action of October 10, 2006. Consequently, it *cannot* reasonably be argued that a serious burden now exists to search and examine those claims. The prior art has already been searched with respect to the subject matter of claims 32-47. None of the claims in the application have been amended. The prior art has already been applied to those claims in the Action of October 10, 2006.

Consequently, there is no burden on the Examiner to search these claims, since the search has already been performed. Any need to further search or examine these claims is due solely to the lack of merit in the first rejection of these claims. Therefore, there can be no "serious burden" on the Office to complete the examination of unelected claims 32-47.

Therefore, according to MPEP § 803, the Examiner "must" now complete the examination of claims 1-47, even if those claims include independent and distinct inventions. Consequently, the Restriction Requirement of March 23, 2007 is unfair to the Applicant and

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clearly improper under the policy of the MPEP. It is hereby requested that the Examiner withdraw the improper Restriction Requirement and complete the examination of claims 1-47.

Conclusion:

An examination of claims 1-31 on their merits is now respectfully requested. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: April 23, 2007



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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number 571-273-8300 on April 23, 2007. Number of Pages: 16



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